

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOHN DOE,

Plaintiff,

v.

STATE OF CALIFORNIA ACTING BY
AND THROUGH THE DEPARTMENT OF
JUSTICE,

Defendant.

Case No. 5:22-cv-08685-BLF

REMAND ORDER

On December 13, 2022, Defendants City of Sunnyvale and Officer John Bognanno filed a Notice of Removal removing this action from the Superior Court of California for the County of Santa Clara. ECF No. 1; *see Doe v. Dep't of Just. of the State of Cal. et al.*, No. 22-cv-405055 (Santa Clara Super. Ct.). On August 19, 2024, the Court identified a jurisdictional issue regarding the pending case and issued an Order to Show Cause Why Case Should Not Be Remanded to State Court. ECF No. 47. In their Joint Statement in response to the Order to Show Cause, which was filed the following day, the Parties concurred that the matter should be remanded. ECF No. 48. The Court therefore remands this case to the Superior Court of California for the County of Santa Clara.

A district court may “decline to exercise supplemental jurisdiction over a claim” if it “has dismissed all claims over which it has original jurisdiction.” 28 U.S.C. § 1367(c)(3); *Arroyo v. Rosas*, 19 F.4th 1202, 1210 (9th Cir. 2021). “[I]n the usual case in which all federal-law claims are eliminated before trial, the balance of factors to be considered under the [*United Mine Workers of Am. v. Gibbs*, 383 U.S. 715 (1966),] doctrine—judicial economy, convenience, fairness, and comity—will point toward declining to exercise jurisdiction over the remaining state-law claims.”

Carnegie-Mellon Univ. v. Cohill, 484 U.S. 343, 350 n.7 (1988).

Removal of this matter was based on federal-question jurisdiction. ECF No. 1 at 1–2. Specifically, Plaintiff John Doe asserted claims under 42 U.S.C. § 1983 against Defendants City of Sunnyvale and Officer John Bognanno. ECF No. 2 at 11. However, on August 17, 2023, the Court approved a stipulation of dismissal with prejudice as to all causes of action against Defendants City of Sunnyvale, Officer John Bognanno, and all Doe defendants alleged to be City of Sunnyvale employees, contractors, or agents. ECF No. 35. Thus, all parties against which Plaintiff asserted federal claims have now been dismissed. Nothing suggests that the instant matter is any more than a usual case in which the *Gibbs* values point the Court toward declining to exercise jurisdiction over the remaining state claims, and the Parties are in agreement that remand of this matter is appropriate. ECF No. 48 at 1.

For the stated reasons, this case is hereby REMANDED to the Superior Court of California for the County of Santa Clara.

IT IS SO ORDERED.

Dated: August 20, 2024


BETH LABSON FREEMAN
United States District Judge